

TIFFANY & BOSCO, P.A.

Gregory L. Wilde, Esq.
Nevada Bar No. 004417
212 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
Fax: 702 258-8787

Attorney for The Bank of New York Mellon f/k/a The Bank of New York successor in interest to JP Morgan Chase Bank, N.A., successor in interest to Bank One, National Association, as Trustee for CSFB Mortgage-Backed Pass-Through Certificates, Series 2003-27
09-74063

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

BK-09-29123-mkn

Melani Schulte and William R. Schulte

Chapter 11

Debtors.

EX-PARTE APPLICATION FOR AN ORDER PURSUANT TO 362(c)(1) and (c)(2)(C)

The Bank of New York Mellon f/k/a The Bank of New York successor in interest to JP Morgan Chase Bank, N.A., successor in interest to Bank One, National Association, as Trustee for CSFB Mortgage-Backed Pass-Through Certificates, Series 2003-27, (“Secured Creditor” or “Movant” hereinafter), requests from this Court an Order Confirming that the Automatic Stay of 11 U.S.C § 362 has terminated with respect to the Debtors due to confirmation of the Debtors’ plan and their subsequent discharge. This application is supported by the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

1. That on or about October 11, 2009, the above named Debtors filed a Chapter 11 Petition in Bankruptcy with the Court

2. Secured Creditor is the current payee of a promissory note dated May 5, 2003, in the principal sum of \$960,000.00 (“Promissory Note” herein), secured by a Real Property Deed of Trust of same date (“Trust Deed” herein) upon property generally described as 509 Canyon Greens Dr, Las

1 Vegas, NV 89144 (“subject property” herein). Secured Creditor is informed and believes, and, based
2 upon such information and belief, alleges that title to the subject property is currently vested in the
3 name of Debtors and that the Debtors are in default of the loan obligations.

4 3. The Debtors’ plan was confirmed March 8, 2011, and vested all property of the estate in
5 them (docket entry 912).

6 4. The Debtors subsequently received their discharge on December 15, 2015 (docket
7 entry 1182).

8 5. Secured Creditor requests that the Court enter an Order confirming that no automatic
9 stay affecting Secured Creditor is currently in effect with respect to the Debtors or the estate.

10 6. Bankruptcy Code Section 362(c)(1) and (c)(2) state as follows:

11 (c)(1) [T]he stay of an act against property of the estate under section (a) of this section
12 continues until such property is no longer property of the estate; and

13 (c)(2)(C) [I]f the case is a case under chapter 7 of this title concerning an individual or a
14 case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied

15 7. Secured Creditor respectfully requests an order from the Court confirming that the
16 Automatic Stay has terminated as to Secured Creditor, and that Secured Creditor may proceed with
17 collection on the note, including but not limited to enforcing its security interest in the subject property
18 described herein.

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2 WHEREFORE, for all of the foregoing reasons, Secured Creditor, requests the Court enter an
3 Order confirming that the Automatic Stay never arose with respect to the Secured Creditor and the
4 subject property described in this application.

5 Respectfully submitted, this 25 day of September, 2017.

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7 **TIFFANY & BOSCO, P.A**

8 By: /s/Gregory L. Wilde, Esq
9 **GREGORY L. WILDE, ESQ.**
10 Attorney for Secured Creditor
11 212 South Jones Boulevard
12 Las Vegas, Nevada 89107
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CERTIFICATE OF MAILING OF EX PARTE APPLICATION

1. On September 25, 2017, I served the following document:

EX PARTE APPLICATION

2. I served the above-named document by the following means to the persons as listed below:

X a. ECF System

Daniel L. McGookey
dmcgookey@mcgookeylaw.com

David A Riggi
darnvbk@gmail.com

Steven L. Yarmy
sly@stevenyarmy;aw.com

Attorneys for Debtors

1 **X b. United States mail, postage fully prepaid:**

2
3 William R. Schulte
4 Melani Schulte
5 9811 W. Charleston Blvd.#2-351
6 Las Vegas, NV 89117
7 Debtors

8 **I declare under penalty of perjury the foregoing is true and correct.**

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10 DATED this 25th day of September, 2017.

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By: /s/ Graham Waring

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Chapter 11

**ORDER RE: EX-PARTE APPLICATION FOR AN ORDER PURSUANT TO 362(c)(1) and
(c)(2)(C)**

The Court has reviewed the Secured Creditor's Ex-Parte Application For An Order Pursuant To 362(c)(1) and (c)(2)(C) and rules as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings has terminated for all purposes as to The Bank of New York Mellon f/k/a The Bank of New York successor in interest to JP Morgan Chase Bank, N.A., successor in

1 interest to Bank One, National Association, as Trustee for CSFB Mortgage-Backed Pass-Through
2 Certificates, Series 2003-27, of the subject property, generally described as 509 Canyon Greens Dr, Las
3 Vegas, NV 89144.

4 IT IS SO ORDERED.

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6 Submitted by:

7 **TIFFANY & BOSCO, P.A**

8 By: /s/Gregory L. Wilde, Esq

9 **Gregory L. Wilde, Esq.**

10 Attorney for Secured Creditor
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